

Ordered

Post to docket. The
handwriting is the Court's.
We will discuss this morning.

K.B. Jr.
wsd

8/15/17

RE: Zhenya UK

From: Michael Paj <michael.paj@mobilemessenger.com>
To: Michael Paj <michael.paj@mobilemessenger.com>, Darcy Wedd
<darcy.wedd@mobilemessenger.com>, Erdolo Eromo
<erdolo.eromo@mobilemessenger.com>, Amy Dudman
<amy.dudman@mobilemessenger.com>
Date: Thu, 08 Oct 2009 02:21:32 -0500

Team,

[I have heard nothing from Zhenya, I will take the required action first thing in the morning.]

Cheers,

Michael Pajackowski

Vice President
Compliance and Customer Care

MOBILEMESSENGER

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-----Original Message-----

From: Michael Paj
Sent: Wednesday, October 07, 2009 7:08 PM
To: Darcy Wedd; Erdolo Eromo; Amy Dudman
Subject: RE: Zhenya UK

[I have left a voice mail and emailed Zhenya.]

[If I get nothing I will suspend his short codes today with the AU team.]

Cheers,

Michael Pajackowski

Vice President
Compliance and Customer Care

MOBILEMESSENGER

6601 Center Drive West, Suite 700
Los Angeles, CA 90045

803(3)

• classic intent
• state of mind

Truth
Not purpose

• Not offered to show truth
• Offered to show Paj's reaction / explain story

803(3)
classic state of mind
to show intent

GOVERNMENT
EXHIBIT
148

S2 15 Cr. 616 (K8F)

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-----Original Message-----

From: Darcy Wedd
Sent: Wednesday, October 07, 2009 6:14 PM
To: Erdolo Eromo; Michael Paj; Amy Dudman
Subject: RE: Zhenya UK

• Direction as to action,
non-hearsay

Hi Paj,

STMT 4

Please make sure you get in contact with Zhenya tonight and provide feedback to the group.

If it is some sort of issue with his system then it can't happen tomorrow so even if you can't reach him by phone email him.

Thanks

-----Original Message-----

From: Erdolo Eromo
Sent: Wed 10/7/2009 5:23 PM
To: Michael Paj; Amy Dudman
Cc: Darcy Wedd
Subject: FW: Zhenya UK
Paj,

Q's classic
• Non-hearsay

STMT 3

How do you want to proceed? I can call Zhenya and tell him to stop or we can just cut him off at the gateway.

contingent
possible
response:
non-
hearsay

STMT 2

From Sam's email below it looks like that he is double billing in the UK.

803(6)
Business record

Regards,

Erdolo

From: Sam.Elalibi
Sent: Wednesday, October 07, 2009 5:01 PM
To: Daryl Quan; Erdolo Eromo
Cc: Wilfried Schaffner; Massimo Bonato; Silvia Huynh
Subject: Zhenya UK

Gov't Argue

(1) Zhenya "caught" based on below,
using for truth.

For that business record

(2) If to show effect on readers, non-hearsay. Then do Kalser analysis

Hi All,

STMT 1

Zhenya's traffic has tripled during the last two weeks. After looking deeper in his traffic log, we found out that he is billing twice the same subscriber everyday in the same short code. Attached is a GW sample log that shows the trend. AM is to raise this issue to client.

① Business record

- could come in through Eromo
- Regular practice to monitor traffic + report
- No indication of lack of trustworthiness
- Rule of requisite declarant to also be custodian

Sam Elaribi
Revenue Assurance & Data Analyst
MOBILEMESSENGER.

Rule 403

- showing Zhenya auto-s / bad action
- Impt to Gov'ts case
- Not disputed issue -- no-one arguing otherwise.
Q is whether AS knew/when
- High probative value; prejudice not from stmt but from later links to stmt. Not unfairly prejudicial.

